

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3332-01
Bill No.: SB 65
Subject: Cemeteries; Funerals and Funeral Directors
Type: Original
Date: February 9, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Department of Natural Resources, Office of State Courts Administrator, Department of Public Safety** and **Department of Conservation** assume no fiscal impact.

Officials of the **Department of Transportation (MoDOT)** stated this proposal modifies provisions of Unmarked Human Burial Act. Presently, any disturbance to or uncovering of human remains invoked either RSMo 194, if the remains are “unmarked” (all prehistoric and those historic burials lacking clear designation as a burial) or RSMo 214, if the remains are marked (historic remains in a cemetery). RSMo 194 is administered by the State Historic Preservation Officer (SHPO) through archaeological excavation; RSMo 214 is administered by MoDOT Chief Counsel’s Office and Circuit Courts through either exhumation by undertakers or archaeological excavations. MoDOT has less input and control over resulting costs and timeliness for situations handled through RSMo 194, than for RSMo 214. The proposed revisions redefine more broadly the concept of unmarked burials thereby increasing the SHPO’s regulatory role and authority in additional situations involving human remains. For MoDOT, this could increase delays to projects during construction, increase costs of construction with American Indian tribes, and jeopardize FHWA and MoDOT consultation with American Indian tribes required by NEPA and federal historic preservation legislation.

DESCRIPTION (continued)

Oversight assumes the cost of this proposal could be absorbed by the Department of Transportation. Oversight assumes it is not possible to predict possible delays to projects during construction and increase costs of construction.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This bill places all human remains, objects of cultural patrimony, and associated cultural items found in unmarked burial sites under the jurisdiction of the state historic preservation officer, so that the Department of Natural Resources can attempt to repatriate them. Remains and objects subject to a criminal investigation are excluded from this law. The law does not apply to items in the possession of museums prior to August 28, 1987. Rulemaking authority regarding unmarked human burial is given to the state historic preservation officer. The state historic preservation officer is authorized to work with Native Americans and other ethnic groups when appropriate and must comply with all federal laws regarding unmarked human remains.

The bill also allows the state historic preservation officer to delay a construction project for an additional 30 days if necessary to remove items from an unmarked burial site. If the historic preservation officer must remove items in order for a construction project to continue, the private or public property owner is financially responsible for the removal of the items. Reinterment of remains may be delayed for more than a year if approved by the unmarked human burial

DESCRIPTION (continued)

consultation committee. This committee is required to meet at least twice each year. Currently, the committee is only required to meet yearly.

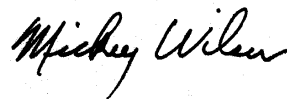
The bill also defines "burial site," "cemetery," "sacred objects," "cultural patrimony," and "associated cultural items" as they relate to unmarked human burial.

The bill creates a penalty for violations and authorizes the Attorney General or the local prosecuting attorney to bring any action authorized by the law. The action may be brought in any county where the cause of action accrued or in Cole County.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Natural Resources
Department of Transportation
Office of State Courts Administrator
Department of Public Safety
Department of Conservation



Mickey Wilson, CPA
Director

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